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December 31, 2015

VIA ECF FILING

United States District Court
Northern District of New York
James T. Foley U.S. Court House
445 Broadway
Albany, NY 12207-2974

Att: Magistrate Judge Daniel J. Stewart

Re : Civil Action No. 1:14-cv-434
Gorman v. Rensselaer County et. Al

Dear Magistrate Judge Daniel J. Stewart,

On December 4, 2015, Plaintiff filed a Letter Request seeking a pre-motion conference with the Court to discuss Defendants' outstanding responses to Plaintiff's discovery demands. Dkt. No. [76]. The court denied this request Pursuant to N.D.N.Y.L.R. 7.1(b)(2) and ordered that the parties meet and confer and make a good faith effort to resolve the ongoing discovery disputes. The Court further stated that if the parties met and conferred and were still not able to resolve the issues, then the Court would schedule a discovery conference. Additionally the court advised that the parties must advise the Court as to their efforts by December 28, 2015.

As of today the Defendants have not responded in any way to Plaintiffs Second Discovery request and have yet to supplement their incomplete response to Plaintiffs First Discovery request.

Pursuant to Court Docket No. 76 I wrote Mr. Martin on December 9, 2015 requesting a discovery conference and indicating what days I was available for the same (see exhibit 1). On December 16, 2015 I had a phone conference with Mr. Martin in which he indicated that Defendants Response to Plaintiffs Second Document request was near completion and should be



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in the mail two days later by December 18, 2015. Additionally Mr. Martin stated that he would attempt to get an adequate response to Plaintiffs first Discovery request. Later that day I memorialized our phone conference and emailed Mr. Martin the same. I received no response to this email. (See exhibit 2). On December 28, 2015 I wrote Mr. Martin inquiring yet again as to the status of his outstanding discovery responses (see exhibit 3). I received no response. Additionally after December 28th I left messages on Mr. Martin's voice mail and I have received no response.

As of today the Defendants have not responded in any way to Plaintiffs Second Discovery request and have yet to supplement their incomplete response to Plaintiffs First Discovery request. Plaintiff's first Discovery request was served August 18, 2015 and Plaintiffs Second Discovery request was served on October 9, 2015. The Defendants unacceptable delay in discovery response has significantly prejudiced the Plaintiff in that we have had to depose witnesses without the benefit of paper discovery.

Wherefore pursuant to Court Docket No. 76 I humbly request that the court schedule discovery conference in this matter. I am free any time between Monday 1/4/16 and 1/6/16. Given the fast approaching discovery deadline in this matter I would prefer to schedule the conference as soon as possible.

Respectfully Submitted,

LAW OFFICE OF PATRICK SORSBY
By _____ S/
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CC: **Via ECF**

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